

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Domestic Security Committee

BILL: SB 2504

SPONSOR: Senator Sebesta

SUBJECT: Hurricane Shelters/Commercial Bldg.

DATE: March 31, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pardue	Skelton	DS	Pre-meeting
2.	_____	_____	CA	_____
3.	_____	_____	RI	_____
4.	_____	_____	TA	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires that public and private commercial buildings built outside of storm surge zones after July 1, 2006 must be constructed to meet hurricane evacuation shelter standards. The requirement applies to those buildings having at least 2,000 square feet of net floor area in a single room. A building permit may not be issued until the project design is certified to be in compliance.

This bill substantially amends section 252.385 of the Florida Statutes:

II. Present Situation:

The need for safe public hurricane evacuation shelters has been amply demonstrated during the 2004 and 2005 hurricane seasons. During the 2004 season for example, more than one thousand public shelters were opened providing refuge for the more than 368,000 citizens who sought protection.¹

In 1995, Florida found itself with few shelters meeting the stricter standards found in American Red Cross' (ARC) *Standards for Hurricane Shelter Selection* (ARC 4496). Through a program of new construction, facility retrofitting, and demand reduction, significant progress has been made in providing for the public's shelter needs. The inventory of shelter spaces meeting current standards is expected to be 816,778 by the start of the 2006 hurricane season.²

¹ Division of Emergency Management and Department of Health, *2005 Special Needs Shelter Report*, June 2005, page 1.

² Department of Community Affairs, *2005 Shelter Retrofit Report*, September 1, 2005, page i.

While progress has been significant, actual and forecasted population growth has extended the time necessary to meet the demand for shelter space. The current hurricane evacuation shelter space deficit is estimated at 500,000 spaces.³ Based on current trends, Florida will eliminate the deficit around 2011.⁴

Section 252.385, F.S., establishes a program to survey existing public facilities and recommend hurricane shelter retrofit projects using state funds. The section further requires that public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments shall be made available for shelter use at the request of local emergency management agencies.⁵ The Division of Emergency Management reports that approximately 93% of public hurricane evacuation shelters are located in educational facilities.

Section 1013.372, F.S., requires the incorporation of design criteria into the Florida Building Code to ensure that appropriate new educational facilities can serve as public shelters. Counties that do not have a deficit of shelter spaces are exempted from this requirement. Likewise educational facilities that are located or proposed to be located in an identified hurricane category 1, 2, or 3 evacuation zone are also exempted.

III. Effect of Proposed Changes:

This bill requires public and private commercial buildings of a certain size that are built outside of storm surge zones after July 1, 2006 to be constructed to meet American Red Cross hurricane evacuation shelter standards. Those buildings having at least 2,000 square feet of net floor area in a single room are subject to this requirement. A building permit may not be issued until the construction project design is certified to be compliant with hurricane evacuation shelter standards.

The bill provides for an effective date of July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³Division of Emergency Management and Department of Health, *2005 Special Needs Shelter Report*, June 2005, page 1.

⁴Department of Community Affairs, *2005 Shelter Retrofit Report*, September 1, 2005, page iii.

⁵Note: Hospitals and nursing homes are excluded from this requirement.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The design criteria required by this bill will likely increase the cost of private commercial building construction. The Department of Community Affairs reports a construction cost premium for public schools designed to meet hurricane shelter standards of between two and six percent.⁶ It is likely that a similar cost premium would apply to commercial projects covered under this bill.

C. Government Sector Impact:

Certain new educational facility construction projects are currently required to comply with ARC hurricane evacuation shelter design criteria.⁷ No additional fiscal impact would be expected for these facilities. However, other state and local government facility construction would be subject to the provisions of this bill. A construction cost premium may also apply to some of these projects.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Implementation of the provisions of this bill would rapidly increase the inventory of buildings suitable for use as hurricane evacuation shelters. However, there is no provision in the bill to sunset the requirement once the deficit of hurricane shelter space has been eliminated.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

⁶ Department of Community Affairs, *2005 Shelter Retrofit Report*, September 1, 2005, page 4-5.

⁷ S. 1013.372, F.S.

VIII. Summary of Amendments:

None.

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